App.F.IX-4]

1920.

File No. 192-10

Previous References. (Courts)

Serial Nos. 1-4

Sm 96 of 03 (1-30).

(23)

Later references.

GENERAL & REVENUE SECRETARIAT

Serial Nos. Four

Part B for January 1926.

SUBJECT

Trial of certain men of Jeur xx Deccan Horse for causing of assault and wrongful confinement of ryot, in the Taluka of Indrick.

H. Lyon
9/1/26.

G.R.S. 11] 190 - 11

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts File No. 192-10

File Heading.

Trial of Krishna Singh and two other men of the xx Deccan Horse.

From

The District Magistrate of Kolar.

No. 6682/221 Dated 10-2-1911 Received 14-2-1911

Diary No. 12092 | Enclos. one file Spare Copies | Serial No. 1

Brief Abstract of Letter.

Forwards the records of preliminary enquiry in a Case in which Krishna Singh, Daffedar and Sawars Beera Singh and Jaga Khan, are accused of having Committed the offences under Section 342 and 352 I.P.C. Code and States that it is desirable that the accused should be tried by the Sessions Court.

NOTES AND ORDERS.

(1) Subd. The facts of the Case are Contained in the Resume of the Munsiff-Magistrate of Kolar, and in the paper under Disposal. The Charges against the accused are that they wrongfully Confined and

Notes—First sheet

GPB—30,000—3-1-07.

Serial No.

assaulted certain Villagers of Vakkaleri in the Kolar Taluk and thus Committed offences punishable under Sections 342 and 352 I.P. Code, respectively. The accused are reported to belong to XX Deccan Horse, Stationed at Bangalore, and as they Committed the said offences while not on leave, the Courts of the State are not permitted to exercise jurisdiction over them unless Specially authorized by Govt to do so. (Please see para (1) of Govt Notification No. J 1598-Cts 75-06 dated the 12th December 1906).

2) According to the understanding between the Durbar and the Residency in such cases, the matter will have to be reported to the Resident in case the offenders are sought to be tried by the Courts of the State. The jurisdiction to try them will be Specially Conceded, if the Resident Considers it desirable, for any Special reason, that the offenders also Should be tried by our Courts, and if the Military authorities have no objection to surrender the accused

NOTE—Contn. sheet.

GPB—60,000—12-5-10

Serial No.

If they have any objection, they will forthwith refer the matter for the decision of the Governor-General in Council.

(3) The District Magistrate of Kolar in submitting the accompanying records of preliminary enquiry, states that as assaults by Military men are on the increase, it is desirable that these offenders should be tried by the State Court. (It maybe noted that another Case of the kind has since been reported from the Kolar District). To this may perhaps be added the inconvenience of bringing the witness from Kolar to Bangalore even if a Court-martial should be held in the C to M Station.

(4) It is nearly 9 months since the incident occured, but as most of the witnesses were often coming in Contact with the accused during their long stay at the village, it is believed there would be no difficulty in regard to identification.

(5) The Munsiff-Magistrate was not probably aware of the right procedure in such cases when he issued Summonses

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cts File No. 192 of 1910-11.

Serial No.

Calling upon the accused to appear before his Court to answer the above Charges. The records show that they were twice returned unserved by the Commandant xx Decca Horse, who declined to take any action unless he received a full report in the matter. The preliminary enquiry was held in pursuance of the District Magistrate's letter of 5th Nov 1910. Subd for orders.

Pages 7 + 9 of the Record.

Hes (122)
18-2-1911.
SW(II)
20/2

5 Put up draft H/the Reg't asking for the Surrender of the accused person & Special Cession of jurisdiction to try the accused.

under para 3 Sub para 1 of Reg's letter no 2627 dated 11th May 1903.

21/2/11 Sd.

Regt

6 Draft Subd.
Hes (122)
21.2.1911.
SW(II)
21/2/11

7 We can't send a copy of the D.M.'s letter. Please revise

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

draft so as to make it self contained. The records may have to be sent.

SH

22/4/11

Cb 22/4

4 Draft revised and submitted.

Secy. (122)
22-2-11.
SV(11)

9 The offence seems to have been a comparatively trifling character though the men seem to have been detained by the accused for a whole night. There has been a great delay in making the reference and it is possible that the Resdt may object to assuming jurisdiction on this ground.

10 However a draft to the Resdt is put up, explaining the circumstances under which the delay took place.

11 Just now another case of criminal intimidation has been reported against certain men of the Deccan Horse by the Dt Magte of Kolaba. It is being submitted separately.

SH 22/4/11

P.T.O.

NOTE—Contn. sheet.

Serial No.

2nd C. Dewan

12 I can hardly agree that an attempt to commit extortion, and assault & criminal confinement are offences of a comparatively trifling character.

13. I have made some additions in the draft which may if approved by the Dewan be retained (otherwise scored out).

24/2/11

10317
1.3.11

14 Draft approved by the Dewan
2.3.11

15 Issue

Note—Contn. sheet.

G. R. S. 12]
General and Revenue Secretariat.

Cts File No. 192 of 1910-11

Serial No. 2

To the First Assistant to the Reside
N° 808 dated 6th March 191
States the facts of the Case
connected with the assault and
wrongful Confinement of certain
Villagers by the three men of ~~Xx~~ Dacca
Horse, and requests that the Durbar
may be allowed to have the accused
tried by one of their Courts.

P. J. O.

Submitted to His Highness.

files.
nos to 192+197.
J 1910.

16 I submit for information the records of two cases (which occurred on different dates and in different places) in which some men of the XX Deccan Horse, employed in connection with two plantations in the Kolar District the grass in which has been leased to the Military authorities, are reported to have assaulted and wrongfully confined, and insulted and caused hurt to certain ryots. The Residency has been requested to allow the two cases to be tried by the local Courts. Such special arrangement is necessary under para 3 of Residency letter No.2627 dated 11th May 1905.

kc

Record of Cases submitted for the Orders of His Highness the Maharaja

27.3.11
1874.

Subject.

Trial of certain men of the XX Deccan Horse for two cases of assault and wrongful confinement of the

U. O. No. 2296 9

PRIVATE SECRETARY MYSORE

Mysore,

1-4-11.

No 320.

(Vide Secy's orders on page 4 of the note)

1/4/11

My dear Sir,

17 Kindly refer to the last para of the draft letter to the Residency in the second case in this file against a Duffadar and two Sowars of the XX Deccan Horse. His highness would prefer to omit from the draft the words " in a satisfactory manner and " as they are ambiguous and might imply that the case, if left to the British authorities to deal with might not be disposed of in a satis_ factory manner.

18 Apart from this verbal alteration, his Highness

G. R. S. 12]
General and Revenue Secretariat.

12 4

File No. 192 of 1910-11

Serial No.

Issue draft.

8/4/4

(19) Please attach a D.O. to Strassto Resident requesting the omission of the words referred to in the last paragraph of the letter

8/4/4

8/4/4

Submitted with a draft D.O.

8/4-11. SN(III) 8/4

8/4/11.

Secy.

Issue

8/4/4

8/4/11

Issued vide Pol 900 dt 8-4-11

P. T.O.

19/4/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

3 From the First Assistant Resident
N 2172 & 10-4-1911.

Suggests that as the case is not triable by the Courts of the State the Complainants may be advised to file their Complaints before the District Magistrate, Cochin Station
Submitted with a draft to the District Magistrate of Ikkeri
H-C3(122)
12-4-11.
SW(111)
12/4/11

Please see notes in the Connected file - no 197-

12/4/11.

Sd.

192/16
(Vide orders in the linked file).
M.P.
11219
22-4-11

This was found in the Records while arranged

The Criminal Court records of Ikkeri have not been returned. The records may be returned and the file closed duly with a draft -

6/1/26

4 To the District Magistrate of Ikkeri.
Nop 3370 & 8-1-26.
Returns the records in C.C. no 2 of 1910-11 on the file of the Munsiff & First Class Magistrate Ikkeri.

Note— Contn. sheet.

GPB—50,000—12-5-10

6682/221
1 file

Office of the District Magistrate
Kolar
Dated 10/13 February 1911

From.

C. Srikanteshvara Aiyar Esqr B.A; B.L;
District Magistrate
Kolar.

To.

C. S. Balasundram Iyer Esqr B.A;
Officiating Secretary to the Government
of His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

In submitting herewith records of preliminary enquiry in criminal case No. 2 of 1910-11, on the file of the Munsiff and 1st class magistrate, Kolar, I have the honor to state as follows:-

2. The grass in the plantation at Sakkaleri in Kolar Taluk has been leased to the military authorities at Bangalore. The accuseds, Dafedar Krishna Singh

III
14/2

J 2092

190

From

The District Magistrate.
Kolar District
Kolar.

To The Secretary to the Govt.
of H. H. the Maharaja of Mysore
General and Revenue
department

Dated 10th February 1911.

Despatched 13

Received

General No. 6682

No. 221

Enclosure No. 1 file

Submitting the records of preliminary enquiry in criminal Case No. 2 of 1910 on the file of the Munsiff and 1st class Magistrate, Kolar, for the orders of Govt. as per notification No. J 1598 - cls 75-06-2 dated 11th December 1906.

Krishna Singh and Sawars Beera Singh and Jaga Khan, of the XX Deccan Horse, had been deputed by that Department for supervising the cutting and removal of grass therefrom to Bangalore and they were living in sheds put-up near the fresh water well at Vakkaléri.

3. On the 21st May 1910, one Rama (Prosecution 3rd witness) having found his cow tied up near the accused's sheds, requested them in the presence of other Prosecution witnesses (4 to 8) to release it, for which the accuseds are said to have demanded Rs 3/-, which the complainants refused to pay, whereupon the accuseds assaulted (1) Rama, (2) Venkatiga (3) Meloori-ga. (4) Mooga and (5) Kempa, and wrongfully confined them near their sheds by tying up their hands with ropes.

4. On information being received, the Police Jamadar of the Taluk hastened to the spot, untied the ropes and rescued complainants.

5. The recorded evidence shows that a prima facie case under sections 342 and 352, Indian Penal Code, has been made out against the 3 accused persons and as such assaults seem to be on the increase, it is desirable that these offenders should be tried by the State-Court and I accordingly submit the case for the order of Government as per Notification No. J 1598-cts 75-06-2 Home Dept. dated 11th December 1906.

I have the honor to be
Sir,
your most obedient Servant

A. Kamakrishnaiya
District Magistrate.
Kolar.

G.R.S. 26]

Cs File No. 192-10

Serial No. 2.

6

137/11

Diary No. of letter replied to _____

F.C. No. 2

General and Revenue Secretariat

( )

, *the* 19 .

To

The First Assistant to
the Honble the Resident
in Mysore,

Date of issue 6-3-1911.

Signed by
Mr. S. Balasundaramiyer

Sir,

I am directed to
bring to the notice of
the Honble the Resident
in Mysore, a case in
which ~~three~~ men belong-
ing to the XX Deccan
Horse, ~~were~~ stationed
at Bangalore are reported
~~assault to spend.~~
to have ~~wrongfully Confined~~
attempted to extort money from
and assaulted and wrongfully
Confined

over.

SUBJECT.

Certain men ~~people~~
~~Certain villagers~~ of Vakkaleri village.
in the Kolar Taluk. The on the 21 May 1910.
facts connected ~~with~~ of the
case are briefly as follows:-
1- The grass in the
plantation at Vakkaleri
has been leased to the
Military authorities at
Bangalore. The accused Lance
Dafedar Krishna Singh and
Sowars Beera Singh and
Jagakhan of the xx Deccan
Horse had been deputed
by that Dept. ~~for~~ to supervising
the cutting and removal
of grass from that place
to Bangalore, and they
were living for a period of about three
months in sheds erected
near the fresh water well
at Vakkaleri.
3- On the 21st May 1910,
one Rama having found
his Cow tied up near the
~~accused~~ the accused sheds requested

List of enclosures,

Copied by

Examined by

GPB—20,000—26-9-10

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

them through ~~an Agent~~ ~~who spoke to Hirudevi~~ on their behalf, and in the presence of the people to release the Cow or to take it to the public pound. The accused are said to have demanded Rs. 3/- for its release which the Complainant refused to pay. Thereupon the accused assaulted Rama and others and wrongfully confined them near their sheds by tying their hands with a rope.

~~having tied~~ by tying

Information having reached the Police Jamadar of the Taluka he hastened to the Spot ~~untied the ropes and rescued~~ and released the Complainant.

4. The records of the preliminary enquiry herewith forwarded show that a prima facie case

under Sections 352 and 362 of the P.C. Code, has been made out against the three accused persons.

5. I am to state that having regard to the Circumstances of the Case and the Convenience of the parties and witnesses, the Durban are of opinion that it is desirable ~~in the interests of justice~~ that the said accused should be tried in the Klan District by a Court of this State I am to request therefore that, if the Resident sees no objection, necessary action may be taken to ~~cede~~ allow the Durban ~~Official jurisdiction~~ to have the accused tried by one of their Courts, under para (3) Sub para (1) of your Office letter N° 26-27 dated the 11th May 1905. The delay in having the case tried

marking this reference is due to the fact that the Natives Mapotali Klan before whom the Complaint was preferred died, & Sidlaki was appointed Native Chief in his place. The Complainant Gabai was released on 2. 15 Dec 06 to declare the attendance of the accused before himself by issuing Summons through the Commandant Mpisi.

an isolated case

7. I am to add that it is not the only such Complaint received and that it is desirable in the interests

DFG 122
22-2-11

e883

Secy to Govt

SN (11)
24/2/11

both of the villagers, who would find it very troublesome to have to resort to distant places and outside Tribunals to complain, and of the Soldiers accused themselves, who have often to live in the midst of such villagers for long periods on business connected with foraging, that such complaints should be tried and disposed of ~~of in a satisfactory manner~~ if possible at the place where they arise.

Sec
Ist
SW

Typed
CMS
6/3/15

9

G.R.S. 26]

File No.

Serial No.

*Diary No. of letter replied to*_____

D. O Pol. No. 900

General and Revenue Secretariat

( )

, the *19* .

To

Dear Sir,

Please refer to ~~the letter No. dated~~ my letter N° 508, dated the 6th March 1911, bringing to the notice of the Hon'ble the Resident, a case of attempt at extortion, assault, and wrongful confinement against a Jamadar and two men of the XX Deccan Horse.

2. I am desired to

over.

Date of issue 6—4—1911

Signed by Mirbal Bulasundaram

SUBJECT.

Request that the words

" in a Satisfactory manner

and" occurring

~~in~~ in the last portion

of the above Communication

may be kindly caused to be omitted therefrom.

Yours Sincerely.

HSB

Secy

SW

P. B. Warburton Esqre

First Assist. to the

Hon'ble the Resident

SW (11)

$\frac{3}{2}$ | 11

DJT

HCS (122)

8-3 11

List of enclosures, SW

Nil

Copied by

Examined by SW

GPE—20,000—23-9-10

III WS/ No. 2172 10-4-11. J-2671 Pol 1667 11. D.10-4-11.

P. B. Warburton, Esq., I.C.S.,

First Assistant to the Resident in Mysore.

The Dewan of Mysore.

Dated Bangalore, the 10th April 1911

I am directed to acknowledge the receipt of Mr. Balasundaram Iyer's letter No.808-Pol., dated the 6th March 1911 regarding a charge of assault, etc, against certain men of the XX.Deccan Horse, committed within the limits of the Mysore St

2. As the case in question is not triable by the Courts of the Mysore State, I am to suggest that the complainants may be advised to file their complaint in the Court of the District Magistrate of the Civil and Military Station of Bangalore, who has jurisdiction to entertain the complaint.

3. The enclosures to the letter under reply are returned herewith.

I have the honour to be,
Sir,
Your most obedient servant,

P B Warburton

First Assistant Resident.

No. 2173.

A copy of the foregoing letter is forwarded herewith to the Station Staff Officer, Bangalore, for information, with reference to his letter No. 3590, dated the 3rd April 1911.

(Sd) P. B. Warburton

First Assistant Resident.

No.

No. 2174

A copy of the foregoing letter, together with a copy of that to which it is a reply, is forwarded herewith to the -- District Magistrate, Civil and Military Station of Bangalore, for information and guidance.

(Sd) P. B. Wardlaw

First Assistant Resident.

K.M.
6.4.11.

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 8/1/26

Signed by N V Ch A.G.

List of enclosures.....

Copied by.....

Examined by.....

Section

File No. 92-10

Seria No.

No. 0337 Records

To The D.M. Khar

Sir,

I am directed to ~~forward~~ return herewith the records in Ch. no 2 of 1910-11 of the file of the Municipal and First class magistrate Khar received with your letter no 6682/221 of 10-2-1911.

I have etc

Ch. 6/1 Assistant

6/1/26 Jm 6/1

over